

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

*Alexandria Division*

UNITED STATES OF AMERICA

v.

No. 1:21-cr-136

JESUS FUNEZ FUENTES,  
a/k/a "Tony Rivera,"  
a/k/a "Pun,"

Defendant.

STATEMENT OF FACTS

The United States and the defendant, JESUS FUNEZ FUENTES, agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. Beginning on or about August 4, 2018, and continuing through on or about January 27, 2020, within the Eastern District of Virginia and elsewhere, the defendant, JESUS FUNEZ FUENTES, did knowingly and unlawfully combine, conspire, agree, and confederate with Shelby Lee Apperson ("Apperson") and Maria Antonia Lovos ("Lovos") to knowingly make false statements and representations with respect to the information required to be kept in the records of a licensed gun dealer in connection with the sale of firearms, and, in furtherance of said conspiracy, Apperson and Lovos falsely represented to various Federal Firearms Licensees located within the Eastern District of Virginia and elsewhere that they were the actual transferees or buyers of sixty-two (62) firearms that they were truly purchasing on behalf of the defendant, in violation of Title 18, United States Code, Section 924(a)(1)(A).

2. On May 16, 2011, the defendant was convicted of Attempted Criminal Possession of a Weapon in the New York County Supreme Court. On June 7, 2011, the defendant was sentenced to a two-year term of imprisonment for that offense.

3. At all times relevant hereto, the defendant was aware that he was:

- a. prohibited by law from purchasing or possessing a firearm or firearm ammunition due to his prior conviction of a crime punishable by imprisonment for a term exceeding one year;
- b. under indictment in the Circuit Court for Spotsylvania County, Virginia for a crime punishable by imprisonment for a term exceeding one year, namely, possession of heroin with the intent to distribute the same, in violation of Virginia Code § 18.2-248; and
- c. wanted by law enforcement for having failed to appear for proceedings in the General District Court for King George County, Virginia in April of 2017 and the Circuit Court for Spotsylvania County, Virginia in May of 2017.

4. Between August 4, 2018 and January 27, 2020, Apperson and Lovos purchased a total of fifty-six (56) firearms from various Federal Firearms Licensees (“FFLs”) throughout the Eastern District of Virginia, specifically:

- a. Gander Outdoors (“Gander”), located in the Fredericksburg area of Spotsylvania County;
- b. Bass Pro Shops (“Bass Pro”), located in Hanover County;
- c. Green Top Sporting Goods (“Green Top”), located in Hanover County;
- d. Dance’s Sporting Goods (“Dance’s”), located in Colonial Heights;
- e. Cabela’s, an FFL with locations in Henrico County (“Cabela’s HC”) and Prince William County (“Cabela’s PWC”);
- f. SSG Tactical (“SSG”), located in Fredericksburg;
- g. All Shooters Tactical (“All Shooters”), located in Prince William County;
- h. Trojan Arms Tactical (“Trojan”), located in Prince William County;

- i. Spec Dive Tactical (“Spec Dive”), located in Alexandria;
- j. Proven Arms and Outfitters (“Proven Arms”), located in Prince William County;
- k. High Velocity Arms (“High Velocity”), located in Spotsylvania County; and
- l. Clark’s Gun Shop (Clark’s”), located in Fauquier County.

5. Apperson and Lovos also purchased a total of six (6) firearms from RK Holdings, LLP, d/b/a “Rural King” (“Rural King”), an FFL located in Front Royal, Virginia, in the Western District of Virginia.

6. For each of their respective purchases, Apperson and Lovos falsely stated on ATF Form 4473 that each was the actual buyer of the firearms when, in truth and in fact, Apperson and Lovos were buying the firearms on behalf of the defendant. Apperson and Lovos also certified by signature on each ATF Form 4473 that their answers were “true, correct, and complete” when in fact they were not.

7. The following chart reflects all of the firearms that Apperson purchased under false pretenses for the defendant and gave to the defendant:

<i>Date</i>	<i>Make</i>	<i>Model</i>	<i>Caliber / Type</i>	<i>Serial No.</i>	<i>FFL</i>
08/04/18	Remington	1911 R1	.45ACP pistol	RHH058331	Gander
03/16/19	Taurus	PT111 G2A	9mm pistol	TLX73456	Bass Pro
06/23/19	Smith & Wesson	SD40VE	.40 S&W pistol	LEF9307	Bass Pro
06/23/19	Smith & Wesson	M&P15	5.56x45mm rifle	TK65171	Bass Pro
08/31/19	Taurus	PT111 G2A	9mm pistol	TMR00448	Bass Pro
09/13/19	Smith & Wesson	M&P Shield 40	.40 S&W pistol	LEF9307	Gander
09/13/19	Beretta	PX4 Storm	9mm pistol	PX9220B	Gander
09/21/19	FNH USA	FNS-9	9mm pistol	GKU0005420	Gander
10/04/19	SAR Arms/EAA	SARB6P	9mm pistol	T110213606073	Gander
10/05/19	Smith & Wesson	SW40VE	.40 S&W pistol	DVU5812	Gander
10/06/19	Springfield	XD	9mm pistol	AT158869	Green Top
10/07/19	Springfield	XD	9mm pistol	AT158864	Green Top
10/09/19	Taurus	G2C	9mm pistol	TMT46917	Gander
10/14/19	Taurus	G2C	9mm pistol	TMT46917	Gander
10/15/19	Taurus	PT111 G2A	9mm pistol	TMR15043	Cabela’s
10/15/19	Taurus	PT111 G2A	9mm pistol	TMR93210	Cabela’s



10/16/19	Taurus	G3	9mm pistol	TMU21880	Green Top
10/16/19	Taurus	PT111 G2A	9mm pistol	TMR30072	Bass Pro
10/25/19	American Tactical	Omni Hybrid	5.56x45mm pistol	NS217092	Dance's
10/25/19	Taurus	PT111 G2A	9mm pistol	TMR19444	Bass Pro
10/26/19	Taurus	PT140 Pro	.40 S&W pistol	SDP19270	Gander
10/27/19	Taurus	PT740	.40 S&W pistol	SDS70329	Gander
11/09/19	Ruger	EC9S	9mm pistol	45662054	Bass Pro
11/09/19	Ruger	EC9S	9mm pistol	45662187	Bass Pro
11/12/19	Ruger	EC9S	9mm pistol	45658770	Rural King
11/12/19	Ruger	EC9S	9mm pistol	45661693	Rural King
11/13/19	Taurus	PT111 G2A	9mm pistol	TMU10516	Rural King
11/13/19	Taurus	PT111 G2A	9mm pistol	TMT46988	Rural King
12/14/19	Taurus	G2C	9mm pistol	AAM089102	Gander
01/27/20	Taurus	TH40C	.40 S&W pistol	SLZ42940	Dance's
01/27/20	Taurus	PT940	.40 S&W pistol	STA70702	Cabela's
01/27/20	Taurus	PT738	.380 ACP pistol	04719F	Cabela's

8. The following chart reflects all of the firearms that Lovos purchased under false pretenses for the defendant and gave to the defendant:

<i>Date</i>	<i>Make</i>	<i>Model</i>	<i>Caliber / Type</i>	<i>Serial No.</i>	<i>FFL</i>
10/18/19	Taurus	PT111 G2A	9mm pistol	TMR31376	Gander
10/19/19	Taurus	PT111 G2A	9mm pistol	TMR14285	Cabela's HC
10/19/19	Taurus	PT111 G2A	9mm pistol	TMR12814	Cabela's HC
10/21/19	Taurus	G2C	9mm pistol	TMT29245	SSG
10/21/19	Smith & Wesson	M&P Shield 40	.40 pistol	LFE9685	Cabela's PWC
10/22/19	Smith & Wesson	SD40VE	.40 pistol	FBN9781	Dance's
10/23/19	Glock	22	.40 pistol	CMK156US	All Shooters
10/24/19	Smith & Wesson	SD40VE	.40 pistol	FXV3611	Dance's
10/28/19	Taurus	G2C	9mm pistol	TMT51701	Dance's
10/28/19	Springfield	XD-9	9mm pistol	ATI31977	Green Top
10/29/19	Ruger	EC9s	9mm pistol	456-20963	All Shooters
10/29/19	Ruger	EC9s	9mm pistol	456-07217	Trojan
10/30/19	Kel-Tec	P-11	9mm pistol	AVG06	Spec Dive
10/30/19	Smith & Wesson	SD9VE	9mm pistol	FBB8793	Proven Arms
10/31/19	Ruger	EC9s	9mm pistol	456-63003	Cabela's HC
10/31/19	Springfield	XD-40	.40 pistol	GM127263	Dance's
11/02/19	Ruger	EC-9s	9mm pistol	456-46132	High Velocity
11/02/19	Ruger	EC-9s	9mm pistol	456-41947	High Velocity
11/05/19	Springfield	XD	.357 pistol	US327236	All Shooters
11/06/19	Smith & Wesson	SD9VE	9mm pistol	FBW1396	Proven Arms
11/07/19	Springfield	XD-40	.40 pistol	US191559	Dance's
11/08/19	Taurus	TH40C	.40 pistol	SMD64194	Dance's
11/08/19	Ruger	EC9s	9mm pistol	456-25473	Bass Pro
11/08/19	Ruger	EC9s	9mm pistol	456-36569	Bass Pro
11/10/19	Springfield	XDS-45	.45 pistol	HG102913	Cabela's PWC

11/10/19	Springfield	XD-45 ACP	.45 pistol	GM492536	Cabela's PWC
11/11/19	Smith & Wesson	SD-40VE	.40 pistol	FBN6597	Rural King
11/11/19	Glock	19X	9mm pistol	BKKP708	Rural King
11/14/19	Springfield	XDS-45	.45 pistol	US712264	Spec Dive
11/15/19	Smith & Wesson	M&P Shield	.40 p istol	MPM4241	Clark's

9. The defendant sold the above-referenced firearms for a profit, with the exception of the Smith & Wesson, model M&P15, 5.56x45mm caliber rifle purchased by Apperson from Bass Pro on or about June 23, 2019, which was later pawned for a loss by Lovos.

10. In May of 2019, the defendant sold an individual a Marlin, model Golden 39A, .22LR caliber rifle bearing serial no. 16260016.

11. On or about October 28, 2019, the defendant purchased a box of Hornady .223 Remington caliber 55 Grain Flex Tip Critical Defense firearm ammunition and a box of Hornady .223 Remington caliber 55 Grain V-Max firearm ammunition from Green Top after Lovos purchased a firearm. Lovos and Fuentes exited the store with the firearm and with the ammunition.

12. A forensic extraction of digital data from Apperson's phone in March of 2020 also revealed evidence of the defendant's marijuana use and involvement in narcotics transactions.

13. The above-referenced pistols and rifles are "firearms" as defined in 18 U.S.C. § 921(a)(3), and the ammunition is "ammunition" as defined in 18 U.S.C. § 921(a)(17)(A). The firearms and ammunition were not manufactured in the Commonwealth of Virginia and, therefore, the firearms and ammunition traveled in and/or affected interstate commerce.

14. The acts taken by the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

15. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the

defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

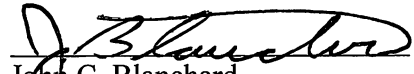
16. This statement of facts shall be admissible as a knowing and voluntary confession in any proceeding against the defendant regardless of whether the statement of facts is presented to or accepted by a court. Moreover, the defendant waives any rights that he may have under Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, the United States Constitution, or any federal statute or rule in objecting to the admissibility of this statement of facts in any such proceeding.


Respectfully submitted,

Raj Parekh  
Acting United States Attorney

Date: June 9, 2021

By:


  
John C. Blanchard  
Assistant United States Attorney

  
Lauren P. Halper  
Assistant United States Attorney




Defendant's Signature: After consulting with my attorney, I hereby stipulate that the above statement of facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: 6-12-21

  
Jesus Funez Fuentes  
Defendant

Defense Counsel Signature: I am counsel for the Defendant in this case. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 6-12-2021

  
Paul P. Vangellow  
Counsel for Defendant